

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GARY D. EPPLÉ,

Plaintiff,

V.

BNSF RAILWAY COMPANY,

Defendant.

Civil Action No. 3:16-CV-1505-C

ORDER

Came on for consideration the Plaintiff's Motion in Limine and Defendant's Motion in Limine, both filed February 12, 2018.

Although some courts allow motions in limine to function as motions for pretrial evidentiary rulings, this Court reserves motions in limine for the specific function of preventing the presentation or mentioning of matters in the presence and hearing of the jury until an evidentiary ruling is made. As to any requested evidentiary rulings contained in an item, the parties may present any objections at the appropriate time at trial.¹

Plaintiff seeks a ruling on 21 items contained in his Motion in Limine. The Court finds that items number 1, 2, 5-8, 10-18, and 20 should be **GRANTED**. Defendant seeks a ruling on 25 items contained in its Motion in Limine. The Court finds that items number 1, 3-8, 10-13, 15, 16, and 18-25 should be **GRANTED**.

¹To the extent the Court's prior Order ruling on BNSF's Motion for Summary Judgment has already addressed any alleged causes of action outside Epple's OSHA complaint that were not exhausted, those alleged causes of action will not be tried in this case.

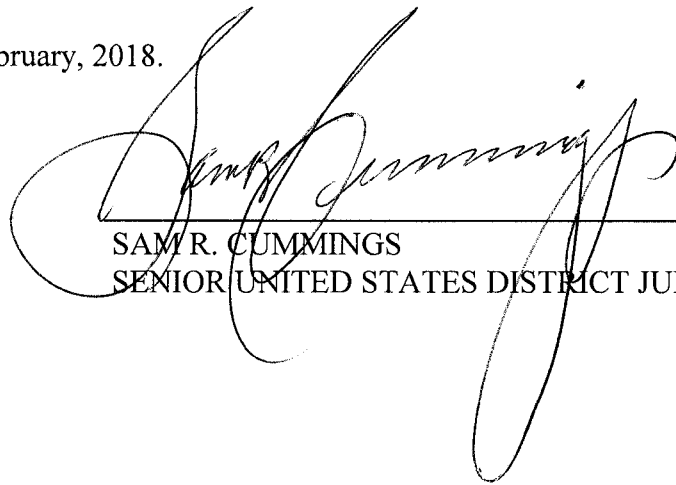
This ruling on the Motions in Limine is not a ruling on admissibility. Rather, it is requiring the parties to first obtain a ruling from the Court outside the presence or hearing of the jury prior to mentioning or referring to the matters contained in the Motions.

All other relief requested is **DENIED**.

This case is currently scheduled on the Court's **March 12, 2018 trial docket** to begin at 9:00 a.m.

SO ORDERED.

Dated this 22nd day of February, 2018.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE